

LAW OFFICE OF
RICHARD E. SIGNORELLI

799 Broadway, Suite 539

New York, NY 10003

Telephone: 212 254 4218

Facsimile: 212 254 1396

rsignorelli@nycLITIGATOR.comSM

www.nycLITIGATOR.comSM

*Attorneys for Defendants David I. Lustig, individually
and in his capacity as Trustee for The Lustig Family
1990 Trust, and The Lustig Family 1990 Trust*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

-----X
In re:

BERNARD L. MADOFF,

Debtor.

-----X
IRVING PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DAVID IVAN LUSTIG,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**NOTICE OF MOTION
FOR LEAVE TO APPEAL**

Adv. Pro. No. 10-4554 (SMB)

-----X
IRVING PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-4417 (SMB)

v.

THE LUSTIG FAMILY 1990 Trust, et al.,

Defendants.
-----X

PLEASE TAKE NOTICE that, upon the notices of appeal filed in the above-captioned adversary proceedings on June 26, 2017, the accompanying Memorandum of Law in Support of Defendants' Motion for Leave to Appeal dated June 27, 2017, the Declaration of Bryan Ha in Support of Defendants' Motion for Leave to Appeal dated June 27, 2017, the exhibits thereto, and all the pleadings and proceedings heretofore had herein, defendants David I. Lustig, individually and in his capacity as Trustee for The Lustig Family 1990 Trust, and The Lustig Family 1990 Trust, pursuant to 28 U.S.C. § 158(a)(3) and Rules 8002, 8003, and 8004 of the Federal Rules of Bankruptcy Procedure, hereby move for leave to appeal to the United States District Court for the Southern District of New York from the Order Granting Partial Summary Judgment Striking Affirmative Defenses entered in the above-captioned adversary proceedings

on June 13, 2017, by the United States Bankruptcy Court for the Southern District of New York

(Hon. Stuart M. Bernstein).¹

Dated: New York, New York
June 27, 2017

Respectfully submitted,

LAW OFFICE OF
RICHARD E. SIGNORELLI

By: /s/ Richard E. Signorelli
/s/ Bryan Ha

Richard E. Signorelli
Bryan Ha
799 Broadway, Suite 539
New York, NY 10003
Telephone: 212 254 4218
Facsimile: 212 254 1396
rsignorelli@nycLITIGATOR.comSM
www.nycLITIGATOR.comSM
Attorneys for Defendants David I. Lustig,
individually and in his capacity as Trustee
for The Lustig Family 1990 Trust, and The
Lustig Family 1990 Trust

FILING AND SERVICE VIA ELECTRONIC FILING

¹The bankruptcy reference was previously withdrawn with respect to the above-captioned adversary proceedings for the purpose of adjudicating certain issues in the District Court. Both actions were assigned to Judge Rakoff upon the withdrawal of the bankruptcy reference. Picard v. The Lustig Family 1990 Trust, et al., Docket No. 12 CV 2782 (JSR); Picard v. Lustig, Docket No. 12 CV 2783 (JSR). Because these actions were previously assigned to Judge Rakoff, this appeal and the instant motion for leave to appeal should also be assigned to Judge Rakoff.